

## REMARKS

Claims 1 and 3 through 4 continue to be in the case.

Claim 2 is being cancelled.

Claim 1 is being amended based on the language of claim 2.

New claims 5 through 18 are being introduced. The new claims are based on claims 1 to 4 and on the drawings, in particular Figs. 1 and 3.

### **The Office Action refers to the Specification**

1. The disclosure stands objected to because of the following informalities: The font style is not consistent through out the specification, i.e. lines 2 and 3 an page five are italicized and the remaining lines an page 5 are not.

Appropriate correction is required.

The undersigned is still conferring with the applicant' overseas counsel with respect to the corrections of the specification.

*The Office Action refers to Claim Rejections - 35 USC § 112*

2. Claims 1-3 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the bottom side" in line 5 and "the region" in lines 56. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the lower region" in line 4 and "the two shingle shoulders" in lines 7-B. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the two shingle shoulders" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Applicant is making appropriate corrections to claims 1 and 3.

*The Office Action refers to Claim Rejections - 35 USC § 103*

2. Claim 1-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,888,055 to Tobin et al. in view of U.S. Patent No 3,866,378 to Kessler. Regarding claims 1-4, Tobin et al. discloses a roof shingle comprising a shingle neck (11 an fig. 3) and a shingle body (10 an fig. 3).

Applicant observes that some of the newly submitted claims 5 through 18 specify shingles different from those of Tobin et al.

Tobin et al. does not disclose a raised engagement and guide element at the bottom side of the lower region of the shingle body, where the raise engagement and guide element exhibits a female mold undercut zone in the direction of the body and is placed remote from the shingle neck and where correspondingly dimensioned male mold like undercut zones are disposed at the two shingle locations. Kessler discloses a shingle comprising a shingle body (13 an fig. 1) with a raised engagement and guide element at the bottom side of the lower region of the shingle body, where the raise engagement and guide element exhibits a female mold undercut zone in the direction of the body (12 an fig. 1) and where correspondingly dimensioned male mold like undercut zones are disposed at the upper region of the body (6 an fig. 1).

Applicant respectfully disagrees.

Kessler does not teach shingles.

Kessler teaches in column 3, lines 3 to 8:

"Fig. 1 shows the principle of the invention in a simple form as applied to a wooden clapboard 2 of conventional type which is rabbeted as shown at 3 and 4 to produce an interlocking joint between adjacent courses of siding, leaving a hidden nailing surface 6 so that the siding may be secured to the building walls by nails."

Therefore, the teaching of Kessler refers to clap boards and not to shingles.

The Office Action specifies "and where correspondingly dimensioned male mold like undercut zones are disposed at the upper region of the body (6 an fig. 1)."

Applicant fails to recognize the alleged "'male mold like undercut zones" and respectfully submits that at best in Kessler there are additional female mold undercut zone.

The Office Action concludes:

Therefore it would have been obvious to one of ordinary skill in the art to modify the body portion of the shingle disclosed by Tobin et al. to include the male and female undercut zones as disclosed by Kessler. One would have been motivated to make such a modification to make the Installation of the shingles easier and to provide extra securing means for the shingles.

Applicant respectfully disagrees. No person of ordinary skill in the art would have proposed a crossing between the shingles of Tobin and the clapboard of Kessler. Applicant respectfully submits that a person of ordinary skill in the art would not endeavor to produce a cross between a shingle and a clapboard as proposed in the Office Action. Applicant urges that a shingle and a clapboard are just biologically to far apart to be able to obtain a predictable cross product.

The Office Action continues:

Regarding the width requirements specified in claim 3, this limitation is a design choice and is not a critical aspect of the claimed invention, since applicant has not indicated the criticality of this feature,

Applicant respectfully disagrees. The relationship between the shingle shoulders and the raised engagement and guide element is constructive and the relationship specified in claim 3 is an optimal situation.

Applicant urges that where Tobin et al. fail to teach an engagement and guide element, there is no design choice for the constructive incorporation of such an element into a shingle. The feature is critical, because it maximizes the support given by the shingle shoulders to the engagement and guide element of the shingle body above.

Applicant submits that the prior art made of record neither anticipates nor renders obvious the present invention.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,  
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